

§ 9265.0-3

(3) Maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) Processes, or permits to be processed, into commercial products the remains of a wild free-roaming horse or burro, or

(5) Sells, directly or indirectly, a wild free-roaming horse or burro, or the remains thereof, which have not lost their status as a wild free-roaming horse or burro, or

(6) Uses a wild free-roaming horse or burro for commercial exploitation, or

(7) Causes or is responsible for the inhumane treatment of a wild free-roaming horse or burro, or

(8) Uses a wild free-roaming horse or burro for bucking stock, or

(9) Fails, upon written notice, to produce for inspection by an authorized officer those animals assigned to him for private maintenance under a cooperative agreement, or

(10) Fails to notify the authorized officer of the death of a wild free-roaming horse or burro within 7 days of death pursuant to §4740.4-2(f) of this title, or

(11) Removes or attempts to remove, alters or destroys any official mark identifying a wild horse or burro, or its remains, or

(12) Being the assignee of a wild free-roaming horse or burro, or having charge or custody of the animal, abandons the animal without making arrangements for necessary food, water and shelter, or

(13) Being the assignee of a wild free-roaming horse or burro, or having charge or custody of the animal, fails to diligently pursue in an attempt to capture the escaped animal, or

(14) Accepts for slaughter or destruction a horse or burro bearing an official Bureau of Land Management identification mark, and which is not accompanied by a certificate that title to the animal has been transferred, or

(15) After acceptance of an animal for slaughter or destruction, fails to retain for one year the certificate of title to a horse or burro bearing an official Bureau of Land Management identification mark, or

(16) Willfully violates any provisions of the regulations under §9264.7 of this title shall be subject to a fine of not

43 CFR Ch. II (10-1-12 Edition)

more than \$2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a U.S. Commissioner or magistrate, designated for that purpose by the court by which he/she was appointed, in the same manner and subject to the same conditions as provided in section 3401, title 18, U.S.C.

Subpart 9265—Timber and Other Vegetative Resources Management

§ 9265.0-3 Authority.

The provisions of §9265.5 of this title are issued under sections 1852 and 1853 of title 18 U.S.C., and section 1733 of title 43 U.S.C., unless otherwise specified.

[45 FR 31276, May 12, 1980, as amended at 60 FR 50451, Sept. 29, 1995]

§ 9265.4 Sales of forest products, general.

Commission of any of the acts listed in §5462.2 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 of the United States Code.

[60 FR 50451, Sept. 29, 1995]

§ 9265.5 Non-sale disposals, general.

Commission of any of the acts listed in §5511.4 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 U.S.C.

[60 FR 50451, Sept. 29, 1995]

§ 9265.6 Penalties.

(a) *Sales administration.* Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), any individual who knowingly and willfully commits the prohibited acts under §5462.2(b) of this title is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$100,000 in accordance with the applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*), or imprisonment not to exceed 12 months, or both, for each offense, and

Bureau of Land Management, Interior

§ 9265.6

any organization that commits these prohibited acts is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$200,000, or not more than \$500,000 if commission of the prohibited acts results in death.

(b) *Free use of timber.* (1) Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), any individual who knowingly and willfully commits the prohibited acts under 5511.4(b) of this title is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$100,000, or not more than \$250,000 if commission of the prohibited acts results in death, in accordance with the applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*), or imprisonment not to exceed 12 months, or both, for each offense, and any organization that commits these prohibited acts is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$200,000, or not more than \$500,000 if commission of the prohibited acts results in death.

(2) *Exceptions for mining and agriculture.* This section shall not prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands. Use or taking of timber for these exceptions is subject to the regulations provided in part 2920—Leases, Permits and Easements, part 3715—Use and Occupancy of Mining Claims, subpart 3802—Exploration and Mining, Wilderness Review Program, and/or subpart 3809—Surface Management.

(c) *Timber removed or transported.* Under 18 U.S.C. 1852, any person:

(1) Who unlawfully cuts, or wantonly destroys, any timber growing on the public lands of the United States;

(2) Who unlawfully removes any timber from said public lands, with intent to export or dispose of the same; or

(3) Who, being the owner, master, pilot, operator, or consignee of any vessel, motor vehicle, or aircraft or the owner, director, or agent of any railroad, knowingly transports any timber unlawfully cut or removed from said lands, or lumber manufactured therefrom; shall be subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$100,000, or not more than \$250,000 if commission of the prohibited acts results in death, in accordance with the applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*), or imprisonment not to exceed 12 months, or both, for each offense, and any organization that commits these prohibited acts is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$200,000, or not more than \$500,000 if commission of the prohibited acts results in death.

(d) *Trees cut or injured.* Under 18 U.S.C. 1853, whoever unlawfully cuts, or wantonly injures or destroys any tree growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$100,000 in accordance with the Sentencing Reform Act of 1984 (18 U.S.C. 3551 *et seq.*), or imprisonment not to exceed 12 months, or both, for each offense, and any organization that commits these prohibited acts is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$200,000.

[60 FR 50451, Sept. 29, 1995]